

REMARKS

Claims 1-44 are pending. The breadth of the claims is not changed because the amendment of claim 36 is directed to correcting an informality that by its nature (e.g., a misspelling) clarify and do not limit their original scope.

Applicants elect with traverse Group I (claims 1-12, 20-25 and 27-44) for search and examination on the merits. It was alleged by the Examiner on page 2 of the Action that unity of invention is lacking because the claims of Group I are directed to an embodiment in which “the vector . . . comprises a peptide capable of non-covalently binding directly to a DNA target sequence comprised by the vector” (page 2 of the Action). The Examiner’s admission that “direct” and “indirect” embodiments are separately patentable is acknowledged, but their characterization in the Action as lacking unity of invention is disputed for the reasons given below. With regard to the requirement to elect a species for initial search and examination, rep A protein and ori DNA are elected. Claims 1-10, 20-25 and 27-44 read on the elected species. Applicants reserve the right to prosecute non-elected subject matter in a further patent application.

Notwithstanding the above election, reconsideration of the restriction requirement is requested because examination of all pending claims would not constitute a serious burden. In particular, the claims of both Groups I and II should be examined in the same application such that claims 13-19 and 26 are not withdrawn from consideration.

Furthermore, Applicants submit that there is no lack of unity with regard to claims 1-44. Claim 1 recites “a peptide capable of non-covalently binding directly or indirectly to said DNA target sequence.” But a second independent claim pending in this application does not refer to whether a binding interaction between a peptide and a DNA target is direct or indirect. Thus, for the difference characterized by the Examiner, claim 26 is a generic or linking claim for this limitation because neither is recited in the independent claim. As characterized by the Examiner, claim 26 would not appear to belong to either Group I or II as their respective special technical features are absent from the independent claim. With respect to claim 26, examination should proceed under the provisions of M.P.E.P. § 809. Furthermore, Applicants do not agree with the Examiner’s characterization of the special technical features of the invention(s) and whether or not they are

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shared by the pending claims because the reason for restricting between the claims of Groups I and II relies on an inaccurate description of the claims: i.e., the limitation relied upon (direct or indirect binding) is not even recited in an independent claim pending in this application.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

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